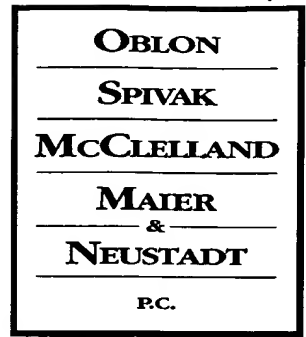




Docket No.: 209352US0

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 09/985,759  
Applicants: Guido FRIES, et al.  
Filing Date: November 6, 2001  
For: PROCESS FOR THE PREPARATION OF  
ORTHOCARBONATES  
Group Art Unit: 1626  
Examiner: R. SHIAO  
Allowed: April 6, 2004

SIR:


Attached hereto for filing are the following papers:

**PETITION TO THE COMMISSIONER UNDER 37 CFR 1.181 W/ATTACHMENTS**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

  
\_\_\_\_\_  
Frederick D. Vastine, Ph.D.  
Registration No. 27,013

Customer Number

**22850**

(703) 413-3000 (phone)  
(703) 413-2220 (fax)



DOCKET NO.: 209352US0

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: :

Guido FRIES, et al. : GROUP ART UNIT: 1626

SERIAL NO.: 09/985,759 : EXAMINER: R. SHIAO

FILED: November 6, 2001 : ALLOWED: April 6, 2004

FOR: PROCESS FOR THE PREPARATION  
OF ORTHOCARBONATES

**PETITION TO THE COMMISSIONER UNDER 37 C.F.R. §1.181**

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VA. 22313

SIR:

The Commissioner is requested to direct the Examiner to consider the reference AO on the Form 1449 of the Information Disclosure Statement filed November 6, 2001, in the above-identified application. The relevant subsection of this document is 1.1.4 which is directed to the synthesis of ortho carbonate esters by reaction of trichloroacetonitrile with sodium alkoxide. This reaction, in fact, is the subject matter of U.S. Patent 3,876,708, which the Examiner has considered as an English language equivalent of DE 22 49 460 which is also briefly discussed on page 1 of the text of the specification. Accordingly, the Examiner is requested to initial the enclosed Form 1449 indicating that he has considered the Kantlehner publication, and return a copy of the initialed Form to the undersigned.

Respectfully submitted,

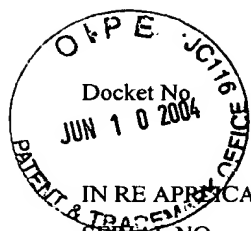
OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

Frederick D. Vastine, Ph.D.  
Registration No.: 27,013

Customer Number

**22850**

TEL: 703-413-3000  
FAX: 703-413-2220



Docket No. 209352US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Guido FRIES, et al.

SERIAL NO: NEW APPLICATION

GAU:

FILED: HEREWITH

EXAMINER:

FOR: PROCESS FOR THE PREPARATION OF ORTHOCARBONATES

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Applicant(s) wish to disclose the following information.

REFERENCES

- ☒ The applicant(s) wish to make of record the references listed on the attached form PTO-1449. Copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- ☐ A check is attached in the amount required under 37 CFR §1.17(p).

RELATED CASES

- ☐ Attached is a list of applicant's pending application(s) or issued patent(s) which may be related to the present application. A copy of the patent(s), together with a copy of the claims and drawings of the pending application(s) is attached along with PTO 1449.
- ☐ A check is attached in the amount required under 37 CFR §1.17(p).

CERTIFICATION

- ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

DEPOSIT ACCOUNT

- ☒ Please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit account number 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADTER, P.C.

**COPY**

Norman F. Oblon

Registration No. 24,618

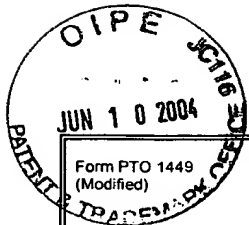
Frederick D. Vastine, Ph.D.

Registration No. 27,013



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Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 10/98)

Form PTO 1449  
(Modified)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.

209352US0

SERIAL NO.

NEW APPLICATION

APPLICANT

Guido FRIES, et al.

FILING DATE

HEREWITH

GROUP

LIST OF REFERENCES CITED BY APPLICANT

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
	AO	DE 22 49 460	04/08/75	GERMANY (Corr. U.S. 3,876,708)		
	AP					
	AQ					
	AR					
	AS					
	AT					
	AU					
	AV					

## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

	AW	W. KANTLEHNER, et al., "Die Praeparative chemie der O- and N-funktionellen Othokohlensaure-Derivate", SYNTHESIS, 1977, pp. 73-90.				
	AX					
	AY					
	AZ					<input type="checkbox"/> Additional References sheet(s) attached

Examiner

Date Considered

\*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

COPY



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BEST AVAILABLE COPY

OSMM&N File No. 209352US0

Dept.: CHEMICAL

Serial No. NEW APPLICATION

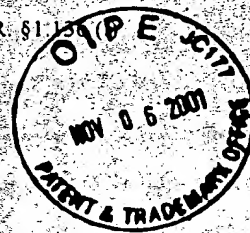
By: NFO:FDV:ekd

In the matter of the Application of: Guido FRIES, et al.

For: PROCESS FOR THE PREPARATION OF ORTHOCARBONATES

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ☒ 12 pp. Specification & 17 Claims/Drawings 0 Sheets  
and 2 pages Application Data Sheet
- ☒ Declaration and Power of Attorney for Patent Application (3 pages, executed)
- ☐ List of Inventor Names and Addresses
- ☒ Utility Patent Application Transmittal ☐ CPA
- ☒ Request for Priority ☒ Priority Doc (1)
- ☒ Check for \$780.00 ☒ Dep. Acct. Order Form
- ☒ Fee Transmittal Form
- ☒ Assignment/PTO 1595 pages: 3
- ☐ Letter to Official Draftsman
- ☐ Letter Requesting Approval of Drawing Changes
- ☐ Drawings sheets ☐ Formal
- ☐ PTO Cover Letter
- ☐ Amendment
- ☒ Information Disclosure Statement ☒ PTO-1449
- ☒ Cited References (2)
- ☐ Search Report
- ☐ Statement of Relevancy ☐ Cited Pending Applications ( )
- ☐ IDS/Related/List of Related Cases
- ☐ Response to Restriction Requirement ☐ Election Response
- ☐ Rule 132 Declaration
- ☐ Request for Extension of Time under 37 C.F.R. §1.136
- ☐ Notice of Appeal
- ☐ Appeal Brief
- ☐ Reply Brief
- ☐ Issue Fee Transmittal
- ☒ White Advance Serial Number Card
- ☐ Small Entity Status is Claimed
- ☐



Due Date: November 17, 2001